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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,206	01/21/2004	Kia Silverbrook	RRA21US	1340
24011 7590 12/16/2009 SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, 2041 AUSTRALIA			EXAMINER GARCIA JR, RENE	
			ART UNIT 2853	PAPER NUMBER
			NOTIFICATION DATE 12/16/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/760,206	Applicant(s) SILVERBROOK, KIA	
	Examiner Rene Garcia Jr	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 and 4-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2 and 4-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>07/02/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim recites limitation "further comprising a second cradle..."; wherein the second cradle is not supported via the specification as defined by the claim language. Specifically the specification provides for a second (alternative – different from the first) cradle which **would replace** the first cradle [unit]; however the specification does not provide support that the inkjet printer system includes a second cradle [unit] concurrently with a first cradle. The claim language fails to define itself such that the replacement of a first cradle with a second cradle (or vice-versa scenario) is achieved. The claim language of "further comprising" implies that an additional cradle is present with the first cradle, which is obvious to a person having ordinary skill in the art from the drawings and reading of the specification that this is not the intended structure. Wherein it is more inline with claim language that clarifies (or to the effect) that a first cradle is replaced with a second (unique) cradle (basically that the first and second cradles are not concurrently supported in the inkjet printer system). Therefore

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the claim language is not inline with the written description and not supported as defined.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bolash et al. (US 6,151,041) in view of Komplin et al. (US 6,155,678).

Bolash et al. discloses the following claimed limitations:

*regarding claim 6, inkjet printer system (col. 1, lines 6-13) comprising:

*printer having a first cradle/**print head carrier, 11/**, having a body/**print head carrier location: 38, 40, 42** (fig. 5; col. 5, lines 24-39; col. 7, lines 49-col. 8, line 4; only one location, i.e. 38, is required to meet limitations of claim) defining a recess for receiving a single cartridge/**print head cartridges: 44, 46, 48/**

*range of inkjet printer cartridges/**44, 46, 48/**, each cartridge comprising a printhead having at least one performance characteristic that differentiates each printhead from others in the range (col. 1, lines 39-50 - high versus a low resolution cartridge), each cartridge including a plurality of ink reservoirs for feeding the printhead (col. 1, lines 39-43 – "filled with color inks" – inherent and known in the art for single

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cartridge to house multiple colors [such as cyan, magenta, yellow] with individual reservoirs for each color)

*wherein, the printer performance is adjustable upon replacement of one cartridge from the set of supported cartridges with another cartridge from the set of supported cartridges (col. 8, lines 4-13; depending on installed cartridge or required cartridge to be installed, the printer functions based on header information specifying characteristics using specific print head cartridges.)

Bolash et al. does not disclose the following claimed limitations:

*regarding claim 6, refill port for refilling each of the plurality of ink reservoirs

Komplin et al. teaches the following:

*regarding claim 6, refill port for refilling each of the plurality of ink reservoirs (fig. 19, 20; col. 3, lines 34-38; col. 6, lines 57-67; col. 9, lines 25-51) for the purpose of refilling additional ink to cartridge

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to utilize a refill port for refilling each of the plurality of ink reservoirs as taught by Komplin et al. into Bolash et al. for the purpose of refilling additional ink to cartridge

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5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bolash et al. (US 6,151,041) as modified by Komplin et al. (US 6,155,678) as applied to claim 6 above, and further in view of Waller et al. (US 6,250,738).

Bolash et al. as modified by Komplin et al. disclose all of the claimed limitation except for the following:

*regarding claim 2, inkjet printer cartridges are of a type having a pagewidth printhead

Waller et al. disclose the following:

*regarding claim 2, inkjet printer cartridges are of a type having a pagewidth printhead/**page-wide-array printhead**/ (col. 1, line 56) (fig. 1; includes inkjet printhead assembly/12/, ink supply assembly/14/, and mounting assembly/16/) for the purpose of printing one or more lines at a time.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to utilize inkjet printer cartridges are of a type having a pagewidth printhead as taught by Waller et al. into Bolash et al. as modified by Komplin et al. for the purpose of printing one or more lines at a time.

6. Claims 7 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolash et al. (US 6,151,041) as modified by Komplin et al. (US 6,155,678) as applied to claim 6 above, and further in view of Bolash et al. (US 6,151,041).

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Bolash et al. as modified by Komplin et al. does not disclose the following claimed limitations:

*regarding claim 7, further comprising a second cradle, the second cradle supporting one or more functionalities of a cartridge not supported by the first cradle

*regarding claim 4, wherein an inkjet printer cartridge not supported by a particular inkjet printer cradle is formed with a protrusion, or an indentation, that interferes with an indentation, or a protrusion, of the particular inkjet printer cradle upon attempting to insert said cartridge into said cradle

Bolash et al. teaches the following:

*regarding claim 4, wherein an inkjet printer cartridge not supported by a particular inkjet printer cradle is formed with a protrusion, or an indentation, that interferes with an indentation, or a protrusion, of the particular inkjet printer cradle upon attempting to insert said cartridge into said cradle

*regarding claim 7, further comprising a second cradle, the second cradle supporting one or more functionalities of a cartridge not supported by the first cradle

While, the purpose of Bolash et al. is to provide a universal mounting system for any print cartridge to be located at any location regardless of type; Bolash et al. teaches the prior art of utilizing keying systems to prevent certain cartridges from being inserted

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into specific locations; see col. 1 line 59 – col. 2, line 5; Fig. 2, 3, 4; col. 5, lines 32- col. 6, line 11; col. 6, lines 13-25.

It would have reasonable for a person having ordinary skill in the art to utilize such a system, keying, to prevent certain cartridges from being inserted into locations on the print head carrier. As discussed in Bolash et al., see col. 6 lines 13-48, it is important for electrical and mechanical connections to be made, between printer and printhead, to properly operate. While silent, it is known in the art that print head design can lead to changes in electrical layout, thus changing connections on the printer needed. Thus the condition of a new/new type, **N/** printhead which would be incompatible for use in certain printer systems. Therefore it is reasonable to also design the print head cartridge with a variation of keying system such that the new are different from the old, as outlined and related to figures 2, 3, 4 of prior art. Wherein to a person having ordinary skill in the art would see it as reasonable to have a range of print cartridges available for the old, using old keying system, and a range of print cartridge available for the new, using a new keying system. Wherein it is further within reason for a person having ordinary skill in the art to recognize that it is known in the art to have multiple cartridges mounted in an inkjet printer system concurrently, with each cartridge requiring a unique/second/ cradle which can utilize a keying system to prevent incorrect configurations.

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7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bolash et al. (US 6,151,041) as modified by Komplin et al. (US 6,155,678) as applied to claim 6 above, and further in view of Carrese et al. (US 6,390,615).

Bolash et al. as modified by Komplin et al. disclose all of the claimed limitation except for the following:

*regarding claim 5, indicia are present on the inkjet printer cartridges and on the inkjet printer cradles to indicate whether a particular inkjet printer cartridge is supported by a particular inkjet printer cradle (Bolash et al. teaches identification information related to print head, makes use of memory, col. 2, lines 6-15; col. 3, lines 25-59; col. 10, lines 15-30; it known in the art to utilize either memory storage or visible identification such as taught by Carrese et al., see below)

Carrese et al. disclose the following:

*regarding claim 5, indicia/**colored indicia/** are present on the inkjet printer cartridges/**ink tank, 200/** and on the inkjet printer cradles/**ink tank support structure, 100/** to indicate whether a particular inkjet printer cartridge/**ink tank, 200/** is supported by a particular inkjet printer cradle/**ink tank support structure, 100/** (col. 6, lines 39-54)

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to indicia are present on the inkjet printer cartridges and on the inkjet printer cradles to indicate whether a particular inkjet printer cartridge is supported by a particular inkjet printer cradle as taught by Carrese et al. into Bolash et

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al. as modified by Komplin et al. for the purpose of helping the user put an appropriate tank into the correct location.

Response to Arguments

8. Applicant's arguments with respect to claim 6 has been considered but are moot in view of the new ground(s) of rejection. Komplin et al. (US 6,155,678) teaches the use, and is commonly known in the art, of a cartridge for use in an inkjet printing system including means to refill the cartridge via refill holes. It is further known in the art for cartridges to have a structure such that a single cartridge includes multiple colors (typically cyan, magenta, and yellow) and therefore have individual reservoir with a single cartridge.

9. The amendments of independent claim 6 fails to further define itself over the prior art of Bolash et al. in view of Komplin et al., specifically the claim recitation of "first cradle" has not differentiated itself from prior claim language ("an inkjet cradle having a body"). The new claim language has only provided for further establishment of claim language of dependent claim 7, wherein it is seen that applicant is attempting to claim a key feature of the invention. Claim language of claim 6 only provides that a first cradle is present, nothing more to define itself from what is known in the art in general. Therefore reasonably anticipated by the combination of Bolash et al. and Komplin et al. as outline in above rejection.

10. While the examiner is not attempting to narrow the claims for applicant, it is noted that new claim 7 appears to attempt to define an aspect of the invention wherein it is

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described in the specification that different "cradle units" can be interchanged within the inkjet printer system for different cartridge utilization. However the claim language is too broad and fails to define the key aspect that a "first cradle" and "second cradle" are not utilized concurrently in the inkjet printer system, and further addressed in above 112 1st paragraph rejection. The claim language of claim 7 is broad and open to interpretation such that a person having ordinary skill can reasonable recognize that a known (and standard) configuration of multiple cartridges mounted in multiple cradle (individual cradler units) as outlined in above 103(a) rejection of Bolash et al. and Komplin et al..

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Communication with the USPTO

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rene Garcia Jr whose telephone number is (571)272-5980. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. G./
Examiner, Art Unit 2853

/Stephen D Meier/
Supervisory Patent Examiner, Art Unit 2853

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